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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,062	06/14/2001	Takatoshi Sugita	209852US2	6436
22850	7590	01/24/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DIVINE, LUCAS	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,062

Applicant(s)

SUGITA, TAKATOSHI

Examiner

Lucas Divine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/14/01, 4/28/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. Formal drawings were received on 09/27/01. These drawings are accepted.

Claim Objections

3. Claim 6 is objected to because of the following informalities: page 45 line 4 states “**second command include a print information command and a set command**”. The second command includes plural commands and therefore include should be “*includes*”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6 – 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Regarding claim 6, on page 45 line 4 the applicant claims “**a print information command**”. The print information command is not described in such a way to allow one skilled in the art to know what is included in such a command and how it works within the claimed system to enable one skilled in the art to make and use the invention.

Regarding claims 7 and 8, these claims depend from rejected claim 6 and thus inherit the rejected limitations. Therefore, claims 7 and 8 are rejected for the same reasons as discussed in the 112, first paragraph, rejection above for parent claim 6.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6 – 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, on page 45 lines 3-4, applicant claims “**the second command includes a print information command and a set command**”. Examiner does not understand how a command contains multiple commands. Therefore it is unclear and indefinite as to how two separate commands are included in a single command.

Further, on page 45 lines 4-5, applicant claims “**a set command meaning determination of the instruction for the page**”. Examiner does not understand how the set command determines the instruction for the page. The SET command is taught as “**indicating the end of the commands for one page**” on page 35 lines 5-6. Therefore it is unclear and indefinite how

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the set command determines the instruction and how 'indicating the end of the commands for one page' determines the instruction for the page.

Regarding claims 7 and 8, these claims depend from rejected claim 6 and thus inherit the rejected limitations. Therefore, claims 7 and 8 are rejected for the same reasons as discussed in the 112, second paragraph, rejection above for parent claim 6.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kageyama et al. (US 5774638) hereafter referred to as Kageyama.

Regarding claim 1, Kageyama teaches a **printer comprising:**

a controller for transmitting commands for representing various instructions (the system of Fig. 17 shows printing apparatus 11 which includes the functional units as shown in Fig. 1 – specifically the printer engine adapter 171 which is a controller that transmits printing commands to the printer engine 18); and

an engine for executing print based on the transmitted commands (printer engine 18),

wherein the commands are classified into a plurality of layers (shown in Figs. 15, 16, and 18, specifically Fig. 18 shows an upper layer including print start and print protocol designating commands and then a sub layer 12A3 which includes the first [command A type] command type and second [command B] type layers as shown in Fig. 15),

each of the instructions is determined by at least a first command of a superior layer and a second command of a subordinate layer of the plurality of layers (Fig. 15; each print instruction includes all of the layers above including first [command A] and second [command B] type layers; first command type A is superior to command type B in that command type B can not take place without a command type A because command type B can not be sent without being associated with a command type A; for example the first page information [93, 94, 95] can not be sent without knowing the information about the head [91, 92]),

when the engine receives the first and second commands, the engine executes the instruction specified by the first and second commands (it is inherent to the invention of Kageyama that the print controller executes the first and second commands because the first and second commands exist to communicate to the print engine 18 how to print including defining parameters for printing as shown in Fig. 15),

and when the engine receives the second command without receiving the first command, the engine executes the instruction specified by the first command last received and the second command now received (as shown in Fig. 15, the superior layer A is sent first to determine document parameters, then the first second command B is sent for the first page, when the next second command B is sent [for the next page] it is executed with the last first

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command A that has been received; so there are multiple second commands [one for each page] that are executed with the same command A [document defining superior command]).

Regarding claim 2, which depends from claim 1, Kageyama further teaches that **each of the commands contains information concerning the layer in which the command belongs** (it is inherent that the commands include information concerning what they define, for example, the page commands shown in Fig. 16 show that they include information regarding that they are page commands, which are known to be type B commands, thus containing information regarding that they are included in the type B layer, the same is inherent for document defining A type commands and job defining commands superior to that as shown in Fig. 18).

Regarding claim 3, which depends from claim 1, Kageyama further teaches that **when the engine receives the commands for setting parameters transmitted in the print execution time, the engine holds setup values of the parameters transmitted by the commands until reception of another command for setting each of the parameter** (col. 15 lines 38-50 teach resetting of parameters [Fig. 15 ref. nos. 91, 93, 96] which resets them to their default values, thus values of parameters are set until another command [in this case reset] is transmitted to change them).

Regarding claim 4, which depends from claim 1, Kageyama further teaches that **after execution of previous print in the print execution time, when the engine receives commands for setting all parameters to be set after execution of the previous print, the engine executes print in accordance with setup values of the parameters of the commands** (it is inherent to one of ordinary skill in the art that when print engines receive set parameters for a print job, they are used in the printing of the print job), and

when the engine receives commands for setting a part of the all parameters, the engine executes print in accordance with the setup values of the parameter of the received commands for the part of the all parameters and in accordance with the setup values of the last received commands for the other parameters than the part of the all parameters (col. 15 lines 38-50 teach resetting of parameters [Fig. 15 ref. nos. 91, 93, 96] which resets them to their default values, thus values of parameters are set until another command [in this case reset] is transmitted to change them, thus old parameter settings are used until another command changes them so if only some of the parameters are changed, the old values for the rest would inherently be used).

Regarding claim 5, which depends from claim 1, Kageyama further teaches that **when the instructions includes an instruction regarding execution of print, the instruction regarding the execution of print is specified by the first command, and another instruction which varies in accordance with the each of instructions is specified by the second command, each of instructions concerning execution of print is specified by a first command meaning execution of print and a second command varying in accordance with the instructions** (it is inherent that before the print protocol is designated [Fig. 18 ref. no. 12A1], the system sent a first command to execute a print job and then the print job is specified such that the following commands shown in Fig. 18 and 15 are parameters and print data for the overall print instruction that the commands are included in).

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6734986, Kuroi et al., 12-11-2004: teaches a print control apparatus, print data generating apparatus, print control method, print data generating method, and storage medium.

US-6028675, Fields et al., 2-22-2000: teaches a transmission error detection system and method for imaging systems including printers with intelligent options including session commands for secure printing.

US-5822499, Okada et al., 10-13-1998: teaches a method and apparatus for printing data in accordance with previously set parameter regardless of currently specified parameters.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 703-306-3440. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas Divine
Examiner
Art Unit 2624

ljd



**KING Y. POON
PRIMARY EXAMINER**